IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 2355 of 2002

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?**-No.**

2 To be referred to the Reporter or not ?**-No.**

3 Whether their Lordships wish to see the fair copy of the judgment ?**-No.**

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?**-No.**

5 Whether it is to be circulated to the civil judge ?**-No.**

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VALLABHBHAI KARMSHIBHAI VAGHASIA - Appellant(s)
Versus
SANJAY V VAGHASIA & 1 - Defendant(s)

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Appearance :

MS SEJAL K MANDAVIA for Appellant(s) : 1,
NOTICE SERVED for Defendant(s) : 1,
MR MEHUL SHARAD SHAH for Defendant(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 12/10/2007

ORAL JUDGMENT

Present appeal is against the interim award

dated 10/10/2001 passed by the Tribunal whereby the application for payment of the interim compensation is dismissed.

Considering the facts and circumstances, it appears that the main claim petition is of year 2001 being MACP No.87 of 2001 and it has remained pending before the Tribunal. The learned counsel Mr.Mehul Sharad Shah for the insurance company is not in a position to declare before the Court as to whether the main claim petition is finally disposed of or not. Under these circumstances, no useful purpose would be served in examining the question on the point of liability of the insurance company or the owner of the vehicle for interim compensation at this stage. Therefore, in stead of the same, it would be just and proper to direct the Tribunal to decide the main claim petition no.87 of 2001 within some reasonable time.

Hence, the present appeal is disposed of with a direction that the Tribunal shall make attempt to decide the claim petition no.87 of 2001 as early as

possible preferably within six months from the receipt of the order of this Court. No order as to cost.

(JAYANT PATEL, J.)

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